

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 21

MAILED

APR. 17 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte HUI-JUNG WU, JAMES S. DRAGE, TERESA RAMOS,  
DOUGLAS M. SMITH and STEPHEN WALLACE

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Appeal No. 2001-1058  
Application No. 09/141,287

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ORDER REMANDING TO EXAMINER

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On April 3, 2003, an Information Disclosure Statement (IDS) was filed (Paper No. 20) and has been matched with this application at the Board of Patent Appeals and Interferences. The IDS needs to be considered by the primary examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the primary examiner's decision is required.

Accordingly, it is

ORDERED that the application is remanded to the examiner for such consideration of the IDS, notification to

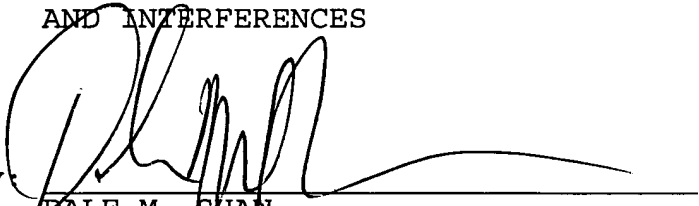
Appeal No. 2001-1058  
Application No. 09/141,287

appellants in writing of consideration, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By



DALE M. SHAW

Program and Resource Administrator  
(703) 308-9797

DMS:clm

Appeal No. 2001-1058  
Application No. 09/141,287

Richard S. Roberts  
P.O. Box 484  
Princeton, NJ 08542



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D. C. 20231

**MEMORANDUM**

**TO:** GROUP 2813 **DIRECTOR**

**FROM:** **BOARD OF PATENT APPEALS AND INTERFERENCES**

**SUBJECT:** **ORDER REMANDING TO EXAMINER**

**We are forwarding this application to your Group for taking further action consistent with the decision of the Board remanding this appeal to the Primary Examiner.**

**Program & Resource Administrator**  
**Board of Patent Appeals and Interferences**  
**308-9797**

SERIAL NUMBER <u>09/141.287</u>	U.S. DEPARTMENT OF COMMERCE PATENT OFFICE	DATE OF MEMORANDUM <u>4/17/03</u>
APPLICATION FILING DATE <u>8/27/98</u>		APPEAL NUMBER <u>2001-1058</u>
FORM PO-262 (9-89)		
EXAMINER'S DISPOSITION OF APPEAL		
To:  Clerk, Board of Appeals	From:  Group Art Unit <u>2813</u>	
GROUP: Please detach and forward to Board of Appeals promptly, but ONLY if the appeal is suspended or no longer pending.		
<p>The Examiner has:</p> <p><input type="checkbox"/> 1. Withdrawn the final rejection and</p> <p>    <input type="checkbox"/> a. allowed all the claims</p> <p>    <input type="checkbox"/> b. made a new rejection and reopened the prosecution</p> <p>    <input type="checkbox"/> c. other</p> <p><input checked="" type="checkbox"/> 2. Maintained the final rejection, but has</p> <p>    <input type="checkbox"/> a. instituted an interference which cannot proceed concurrently with the appeal (Note M.P.E.P. 1205)</p> <p>    <input type="checkbox"/> b. other</p> <p><input type="checkbox"/> 3. The application is now abandoned.</p> <p><u>4/22/03</u> (Date signed)</p> <p><u>Erik Kielin</u> (Signed)</p>		

ERIK KIELIN

USCOMM-DC 60202-P09